

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

**UNITED STATES OF AMERICA,**  
Plaintiff

vs.

**JOSE L. DIAZ- FONTANEZ**  
Defendant

CRIMINAL NO. 97-0071 (PG)

**MOTION REQUESTING LEAVE TO WITHDRAW**

**TO THE HONORABLE JUAN M. PEREZ GIMENEZ:**  
**UNITED STATES DISTRICT JUDGE**  
**FOR THE DISTRICT OF PUERTO RICO**

**TO THE HONORABLE COURT:**

**COMES NOW** defendant Jose L. Diaz-Fontanez represented by the undersigned court appointed counsel and very respectfully states and prays as follows:

1. On December 29, 2005, the First Circuit Court of Appeals vacated the sentence imposed on defendant Jose L. Diaz-Fontanez and remanded for further proceedings.
2. On April 27, 2006, this Court appointed to represent the defendant.
3. Defendant's wife informed the undersigned counsel that attorney Marlene Aponte Cabrera was retained to represent the defendant and a Notice of Appearance and Request for Resetting of Hearing was filed by the retained attorney.
4. For these reasons, the undersigned respectfully request leave to withdraw as counsel of defendant Jose L. Diaz-Fontanez.
5. It is further requested that the undersigned counsel be excused to appear to the sentencing hearing.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, on this 15th day of May, 2006

**CERTIFICATE OF SERVICE:**

IT IS HEREBY CERTIFIED that on this date I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the United States Attorney's Office, Torre Chardon, 350

Carlos Chardon St., Suite 1201 San Juan, P.R., 00918, and to all defense counsel at their address of record.

S/ Carlos M. Calderón Garnier  
Carlos M. Calderón Garnier  
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